



## Homeland Security

October 22, 2013

Shawn Musgrave  
MuckRock News  
DEPT MR 6985  
P.O. Box 55819  
Boston, MA 02205-5819

Re: **2014-HQFO-00016**

Dear Mr. Musgrave:

This letter acknowledges receipt of your October 3, 2013, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) and to your request for a waiver of all assessable FOIA fees. Specifically, you requested the following records:

1. Secure Internet Gateway Process V1.0, OIT DDC, December 4, 2012;
2. A database of all Secure Internet Gateway requests submitted to all component Security Operations Centers from January 2012 to the day this request is processed. If a summary database does not exist, provide copies of all requests;
3. All waiver/exceptions for social media use processed by the Department to date, as referenced in the September 2013 OIG report, "DHS Uses Social Media to Enhance Information Sharing and Mission Operations, but Additional Oversight and Guidance are Needed."

Due to the October 1 - 16, 2013, lapse in appropriations leading to the closure of the government, this office received your request on October 17, 2013.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. As the subject matter of your request is of substantial interest to two or more components of this Department or of substantial interest to another agency, we will need to consult with those entities before we issue a final response. Due to these unusual circumstances, DHS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

As it relates to your fee waiver request, I have reviewed your letter thoroughly and have determined that you have not presented a convincing argument that MuckRock News is entitled to a blanket waiver of fees.

The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors in our evaluation of your request for a fee waiver:

- (1) Whether the subject of the requested records concerns “the operations or activities of the government;”
- (2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
- (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- (4) Whether the contribution to public understanding of government operations or activities will be "significant;"
- (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
- (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

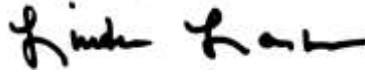
As a requester, you bear the burden under the FOIA of showing that the fee waiver requirements have been met. Based on my review of your October 3, 2013, request and for the reasons stated herein, I have determined that your fee waiver request is deficient. It does not adequately describe how or even whether the contribution to the public understanding of this topic would be “significant.” In addition, MuckRock News appears to have a commercial interest that would be furthered by the requested disclosure. Simply rephrasing the aforementioned factors as affirmative statements in your request does not provide this Department with enough information to grant your request for a waiver of fees. Since your request for a fee waiver has failed to satisfy each of the required factors, I am denying your fee waiver request.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to commercial requesters. As a commercial requester, you will be charged 10 cents per page for duplication, and for search and review time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher and reviewer. We will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any further fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2014-HQFO-00016**. Please refer to this identifier in any future correspondence. To check the status of your FOIA request, you may contact this office at 1-866-431-0486 or 202-343-1743, or you may check the status of your request online at <https://www.dhs.gov/check-status-your-foia-request>.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lasko". The signature is written in a cursive, flowing style.

Linda Lasko  
FOIA Program Specialist